

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAWMAN ARMOR CORPORATION,	:	
	:	
Plaintiff,	:	Case No. 2:02-CV-04595-RK
	:	
v.	:	Judge Robert Kelly
	:	
WINNER INTERNATIONAL, LLC, and	:	
WINNER HOLDING LLC,	:	
	:	
Defendants.	:	
	:	

**DECLARATION OF JOHN F. HORNBOSTEL JR.
IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT BASED ON EQUITABLE ESTOPPEL**

Being duly sworn, I, John F. Hornbostel Jr., hereby state as follows:

1. I am Vice President, General Counsel and Secretary of Winner International, Inc., a Florida corporation with its headquarters at 32 West State Street, Sharon, Pennsylvania 16146. I am a member in good standing of the Bars of New York, Pennsylvania, and Ohio (pending).
2. I was Vice President, General Counsel and Secretary of Winner International, LLC, the named defendant in the captioned action. Winner International, LLC was merged into a wholly owned subsidiary of Winner International, Inc. under a plan of merger agreement entered into on May 22, 2002.
3. I was Vice President, General Counsel and Secretary for Winner International, a Pennsylvania business trust, the predecessor company to Winner International, LLC.
4. Since as early as 1995, I have been responsible for overseeing the legal affairs of Winner International, Inc., Winner International, LLC, and Winner International, the

Pennsylvania business trust (collectively “Winner International”), including litigation involving Winner International.

5. During 1996-2000, Winner International was involved in two federal actions filed by Keen Tools Corporation (“Keen”).

6. Attached as Exhibit A is a copy of the PACER docket sheet for one of those actions, *American Auto Accessories Inc. and Keen Tools Corporation v. Winner International Corp.*, Case No. 1:96-CV-5738-NG, in U.S. District Court for the Eastern District of New York (“the Brooklyn Action”).

7. Attached as Exhibit B is a copy of the PACER docket sheet for the other of those actions, *Keen Tools Corporation v. Winner International, Inc. and Winner International Royalty Corporation*, Case No. 99-CV-552, in U.S. District Court for the Southern District of Florida (“the Florida Action”).

8. The Brooklyn Action was an action by Keen and its U.S. distributor American Auto Accessories, Inc. (“AAA”) seeking a declaratory judgment that certain products manufactured by Keen and sold by Keen and AAA, including a Keen product referred to as “Model No. PC-1000-T,” did not infringe certain utility patents owned by Winner.

9. The Brooklyn Action was filed in November 1996 and was stayed in January 1998 pending a district court review of a decision by the U.S. Patent and Trademark Office concerning certain of the Winner utility patents at issue.

10. In March 1999, after the stay had been lifted, Winner filed an answer and counterclaims in the Brooklyn Action. Winner’s counterclaims alleged that the Keen and AAA products at issue, including Keen’s Model No. PC-1000-T product, infringed several Winner utility patents.

11. The Florida Action was an action by Keen alleging that Winner infringed U.S. Patent No. Des. 357,621 ("the '621 design patent") and infringed trade dress rights allegedly held by Keen in connection with the Model No. PC-1000CT product. I understand that the '621 design patent is the same patent that is at issue in this action.

12. The Florida Action was filed in February 1999. The complaint was accompanied by a motion by Keen for a preliminary injunction based on Keen's allegations of design patent infringement and trade dress infringement.

13. In April 1999, Winner opposed Keen's preliminary injunction motion in the Florida Action and filed a cross-motion for summary judgment of non-infringement with respect to the '621 design patent. In May 1999, Keen filed an opposition to Winner's summary judgment motion in the Florida Action, and Winner filed a reply.

14. In July 1999, Winner filed a motion to stay the Florida Action pending resolution of its counterclaims in the Brooklyn Action. Winner's motion for a stay was based on the premise that, if it were to prevail on its patent infringement counterclaims against the Model No. PC-1000-T product in the Brooklyn Action and obtain an injunction barring Keen from selling the product, Keen's trade dress claims in the Florida Action, grounded on sales of the Model No. PC-1000-T product, would be moot. In its motion for the stay, Winner acknowledged that Keen's claim for design patent infringement in the Florida Action would not be affected by the issues in controversy in the Brooklyn Action.

15. On August 6, 1999, the Court in the Florida Action issued a stay of the action pending resolution of the Brooklyn Action. The stay order directed the parties to notify the Court within 10 days when the Brooklyn Action had been resolved.

16. On or about the same day as the August 6, 1999 stay order, Keen filed a motion for an extension of time to oppose Winner's motion for a stay. Keen subsequently filed an opposition, which was entered on August 13, 1999 according to the PACER docket sheet for the Florida Action.

17. Meanwhile, the stay of the Brooklyn Action was lifted in February 1999, and in March 1999 the Court in the Brooklyn action issued a Scheduling Order that provided for a discovery cut off in October 1999.

18. Sometime thereafter, I was advised by Winner's trial attorneys that Steven Gaffigan of Klugar, Peretz, Kaplan & Berlin, counsel for Keen and AAA, had requested an extension of discovery in the Brooklyn Action to allow him to withdraw due to a conflict of interest in his joint representation of both Keen and AAA. In September 1999, the Court in the Brooklyn Action extended the previously-set discovery period. I understand that the extension was granted at least in part to permit Keen and AAA to appoint new counsel.

19. In October 1999, after Keen and AAA had failed to appoint new counsel, Mr. Gaffigan formally requested permission to withdraw from the Brooklyn Action. The PACER docket sheet for the Brooklyn Action indicates that Mr. Gaffigan's request was submitted on or about October 26, 1999.

20. I understand that, as of a February 8, 2000 conference with the Court, Keen had still failed to appoint new counsel in the Brooklyn Action. On that date, the Court ordered Mr. Gaffigan to remain in the case for the sole purpose of forwarding copies of court orders to Keen and ruled that Keen would be subject to default if it did not appoint new counsel within 20 days.

21. Subsequently, Mark Abate of Morgan & Finnegan was appointed counsel for Keen in the Brooklyn Action. The PACER docket sheet for the Brooklyn Action indicates that his notice of appearance was entered on March 3, 2000.

22. On March 23, 2000, the Brooklyn Action was re-assigned to Visiting District Court Judge Avery Cohn. On May 9, 2000, Judge Cohn issued a new scheduling order, which set July 9, 2000 as the fact discovery cut off date.

23. On June 9, 2000, in the midst of discovery, Mr. Abate filed a motion to withdraw as counsel for Keen in the Brooklyn Action.

24. The Court in the Brooklyn Action conducted a conference concerning Mr. Abate's motion to withdraw. During that conference, the Court ordered Keen to appoint new counsel within 20 days and appear for a deposition within 30 days, and invited Winner to move for default judgment should Keen fail to comply with the order. The PACER docket sheet for the Brooklyn Action indicates that the order was signed on June 28, 2000.

25. On August 4, 2000, after Keen had failed to appoint new counsel or otherwise comply with the order of June 28, 2000, Winner moved for default judgment against Keen in the Brooklyn Action.

26. On August 29, 2000, the Court in the Brooklyn Action entered an order for default judgment against Keen. This order found that Keen had infringed certain of Winner's utility patents, permanently enjoined Keen from selling the Model No. PC-1000-CT product, and permanently enjoined Keen from infringing the Winner utility patents at issue.

27. Winner ultimately entered into a settlement agreement with AAA with respect to the Brooklyn Action.

28. To the best of my knowledge, Keen never advised the Court in the Florida Action of the default judgment entered in the Brooklyn Action. The only pleading I am aware of that was filed on Keen's behalf in the Florida Action during the period between Keen's August 1999 opposition to the motion for a stay and Winner's September 2002 motion to re-open the case is a motion by Mr. Gaffigan to withdraw as counsel for Keen. A copy of this motion to withdraw is attached as Exhibit C. According to the PACER docket sheet for the Florida Action, Mr. Gaffigan's motion to withdraw was filed on September 5, 2000, one week after entry of the default judgment against Keen in the Brooklyn Action. The motion advised the Court in the Florida Action that Keen had discontinued communication with its counsel.

29. To the best of my knowledge and recollection, following entry of the default judgment against Keen in the Brooklyn Action, neither I nor Winner's trial attorneys received any communication from any representative of Keen indicating any intention on Keen's part to pursue its design patent infringement claim against Winner in the Florida Action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Declaration was executed by me on January 22, 2004, at Sharon, Pennsylvania.

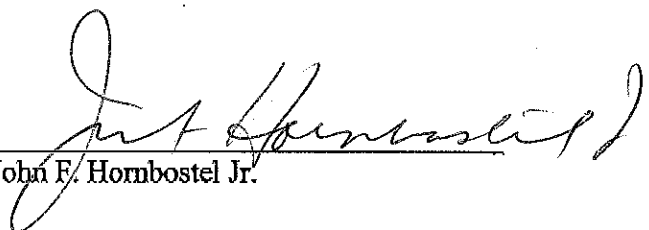

John F. Hornbostel Jr.

Exhibit A

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:96-cv-05738-NG**

American Auto Access, et al v. Winner International

Assigned to: Judge Nina Gershon

Referred to:

Demand: \$0

Lead Docket: None

Related Cases: None

Case in other court: None

Cause: 28:2201 Declaratory Judgement

Date Filed: 11/22/96

Jury Demand: None

Nature of Suit: 830 Patent

Jurisdiction: Federal Question

Plaintiff

**American Auto Accessories Inc., a New York
Corporation**

represented by **George R. Hinckley, Jr.**
Fitzpatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, NY 10112-3801
632-3000
TERMINATED: 02/14/2000
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

George R. Hinckley, Jr.
Traiger & Hinckley LLP
880 Third Avenue
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Fax (212) 656-1531

**Keen Tools Corporation, a Taiwan
Corporation**

represented by **Stephen Michael Gaffigan**
Klugar, Peretz, Kaplan & Berlin
201 South Biscayne Boulevard
17th Floor, Miami Center
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(305) 379-3428
TERMINATED: 03/21/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Ira Peretz
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V.

Defendant

**Winner International Corp., a Pennsylvania
Business Trust**

represented by **Adam David Cole**
Camhy Karlinsky & Stein LLP
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16th
New York, NY 10019-4315
212-977-6600
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Lapatine
Camhy Karlinsky & Stein
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ATTORNEY TO BE NOTICED

Counter Claimant

Winner International Corp.

represented by **Adam David Cole**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Lapatine
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Keen Tools Corporation

represented by **Mark J. Abate**
Morgan & Finnegan, L.L.P.
345 Park Avenue
New York, NY 10154
Fax (212) 751-6849
TERMINATED: 07/05/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen Michael Gaffigan
(See above for address)
TERMINATED: 03/21/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Ira Peretz
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas A. Smart
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

American Auto Accessories Inc.

represented by **George R. Hinckley, Jr.**
 (See above for address)
LEAD ATTORNEY
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Stephen Michael Gaffigan
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Filing Date	#	Docket Text
11/22/1996	1	COMPLAINT filed and summons(es) issued for Winner International FILING FEE \$ 120.00 RECEIPT # 189364 (Learned, Michele) (Entered: 12/04/1996)
12/16/1996	2	STIP/ORDER dated 12/17/96 that deft Winner International's time to answer or move extended to & including 1/15/97. (signed by Judge Nina Gershon). (Greves, Liz) (Entered: 12/19/1996)
12/23/1996	3	RETURN OF SERVICE executed as to Winner International Corp. 11/25/96 Answer due on 12/15/96 for Winner International Corp. (Lui, Lin) (Entered: 12/24/1996)
01/17/1997	4	LETTER dated 1/13/97 from Adam Cole to Messrs. Smart and Peretz, enclosing copies of Winner International's Notice of Motion to Dismiss along with Winner International's Memo of Law in support of Motion to Dismiss and Winner International's Rule 9 Statment. (Without enclosure) (Lui, Lin) (Entered: 01/17/1997)
01/29/1997	5	LETTER dated 1/27/97 from Adam D. Cole to Judge Gershon, informing that deft. Winner has agreed to plfff.'s request for an extension of time to respond to Winner's

		motion to dismiss (returnable 1/28/97) to 2/11/97. Winner's reply, if any, will be due on 2/18/97 and the return date scheduled for 2/20/97. (Lui, Lin) (Entered: 01/29/1997)
02/19/1997	6	LETTER dated 2/18/97 from Adam Cole to Judge Gershon, advising that deft. Winner has agreed to plttfs.' further request for an extension of time to respond to Winner's motion to dismiss, returnable 1/28/97 to 2/25/97. Winner's reply, if any, will be due on 3/4/97, and the return date scheudled for 3/6/97. (Lui, Lin) (Entered: 02/19/1997)
03/03/1997	7	LETTER dated 3/3/97 from Adam Cole to Judge Gershon informing that deft. Winner has agreed to plttfs.' request for an extension of time to respond to Winner's motion to dismiss, originally returnable 1/28/97, to 3/17/97. Winner's reply, if any, will be due on 3/24/97, and the return date scheduled for 3/26/97. (Lui, Lin) (Entered: 03/05/1997)
03/12/1997	8	MOTION by American Auto Accessories, Inc., Keen Tools Corp. for Steven Ira Peretz, Stephen Michael Gaffigan to appear pro hac vice . (Lui, Lin) (Entered: 03/13/1997)
03/18/1997		Endorsed order dated 3/17/97, granting [8-1] motion for Steven Ira Peretz, Stephen Michael Gaffigan to appear pro hac vice for plttfs. (Signed by Judge Nina Gershon on reverse of document #8) C/M (Lui, Lin) (Entered: 03/18/1997)
03/19/1997	9	LETTER dated 3/17/97 from David Raskin to Judge Gershon, advising that deft. will not oppose plttfs' motion for admissions pro hac vice filed on 3/12/97. (Lui, Lin) (Entered: 03/19/1997)
03/31/1997	10	FIRST AMENDED COMPLAINT by American Auto Accessories, Inc., Keen Tools Corp. , (Answer due 4/10/97 for Winner International Corp.) amending [1-1] complaint. (Lui, Lin) (Entered: 03/31/1997)
04/02/1997	11	LETTER dated 3/26/97 from Adam Cole to Judge Gershon, advising that deft. Winner has agreed to plttfs' request for an extension of time to respond to Winner's motion to dismiss, originally returnable 1/28/97, to 4/8/97. Winner's reply, if any, will be due on 4/22/97, and the return date scheduled for 4/24/97. (Lui, Lin) (Entered: 04/02/1997)
06/18/1997	12	LETTER dated 6/17/97 from Adam D. Cole to Judge Gershon, informing that deft. Winner withdraws its motion to dismiss plttf.'s initial complaint. (Lui, Lin) (Entered: 06/18/1997)
06/18/1997	13	STIP/ORDER (not dated) that time for deft. Winner International Corp. to answer the amended complaint is extended to 7/8/97 (signed by Judge Nina Gershon) (Lui, Lin) (Entered: 06/18/1997)
07/23/1997	14	ORDER dated 7/22/97 that an initial conference will be held on 9/17/97 at 4:00 p.m. before Magistrate Roanne L. Mann C/M (signed by Magistrate Roanne L. Mann) (Lui, Lin) (Entered: 07/23/1997)
09/17/1997	15	Calendar entry: Before Mag. Mann on 9/17/97 at 4:00 p.m., case called for initial confernce. Fact discovery to be completed by 7/31/98 . Next settlement conference scheduled for 3:30 8/6/98 before Magistrate Roanne L. Mann . Automatic disclosure shall be completed by 10/31/97. Pleadings may be amended and new parties joined as of right under 3/2/98. (Lui, Lin) (Entered: 09/18/1997)
09/25/1997	16	NOTICE of Change of Address by the law firm of Kluger, Peretz, Kaplan & Berlin, P.A. (Lui, Lin) (Entered: 09/26/1997)

12/29/1997	17	NOTICE by American Auto Access and Keen Tools Corp. to take deposition of Winner International Corp. on 1/23/98 at 9:00. (Hunter, Tara) (Entered: 12/29/1997)
01/05/1998	18	STIPULATION AND ORDER, staying proceedings in this case pending entry of final judgment in the 146 Action or other disposition through settlement . (signed by Magistrate Roanne L. Mann on 1/9/98.) (DiTomasso, Mike) (Entered: 01/26/1998)
01/14/1998		CASE NO LONGER REFERRED TO Magistrate Roanne L. Mann as case should be administratively closed. (Polanco, Marcie) (Entered: 01/14/1998)
01/16/1998		CASE REFERRED to Magistrate Roanne L. Mann (Polanco, Marcie) (Entered: 01/16/1998)
01/16/1998		Magistrate Judge Mann has been selected by random selection to handle any matters that may be referred in this case. (DiTomasso, Mike) (Entered: 01/16/1998)
03/16/1998	19	STIPULATION AND ORDER, resetting answer due for 20 days after the expiration of the Stipulation and Order of Stay dated 12/28/97 . (signed by Magistrate Roanne L. Mann (undated). (DiTomasso, Mike) (Entered: 03/16/1998)
03/31/1998	21	NOTICE of plaintiffs' unavailability of counsel, Stephen Gaffigan, of Kluger, Peretz, Kaplan & Berlin during the moth of August 1998., (Asreen, Wendy) (Entered: 05/07/1998)
04/06/1998	20	ORDER dtd. 3/24/98 The stip. was so ordered & docketed in Jan. 1998. On ltr. dtd. 3/23/98 from Adam D.Cole regarding stip. and order of stay of discovery schedule. (signed by Magistrate Roanne L. Mann) (Jackson, Ramona) (Entered: 04/06/1998)
10/13/1998	22	LETTER dated 10/7/98 from Adam D. Cole, Esq. to Magistrate Mann requesting that the Court schedule a conference at it's earliest convenience to set a new discovery schedule. (Permaul, Jenny) (Entered: 10/13/1998)
10/14/1998	23	ORDER dated 10/9/98 directing that defendant shall show cause in writing by 10/16/98, why the stay in this action should not be extended until the decision of the Federal Circuit on the validity of the Winner Patent. Plaintiff may reply by 10/22/98. (The parties shall provide the Court with the dates for briefing and oral argumnet in the Federal District). Signed by Magistrate Roanne L. Mann. See faxed copy of letter dated 10/7/98 from Stephen M. Gaffigan, Esq. to Magistrate Mann. (Permaul, Jenny) (Entered: 10/14/1998)
02/18/1999	24	MEMORANDUM and ORDER dated 2/16/99 directing that for the reasons stated in this document, this Court denies plaintiffs' application to extend the stay of this case. The parties shall confer and, by February 24, 1999, submit a joint proposed discovery schedule. Signed by Magistrate Roanne L. Mann. Faxed by chambers.) (Permaul, Jenny) (Entered: 02/18/1999)
03/04/1999	25	ORDER dated 3/1/99 granting the plaintiff's request for an enlargement of time up to and including 3/3/99 to submit a joint proposed discovery schedule. Signed by Magistrate Roanne L. Mann. See faxed copy of letter dated 3/26/99 from Stephen M. Gaffigan, Esq. to Mag. Mann. (Permaul, Jenny) (Entered: 03/04/1999)
03/09/1999	26	ANSWER by Winner International Corp. to the first amended complaint and COUNTERCLAIMS. Galeano, Sonia (Entered: 03/12/1999)
03/09/1999		COUNTERCLAIM by Winner International against Keen Tools Corp. and

		American Auto Accessories, Inc. (See doc. #26) Galeano, Sonia (Entered: 03/12/1999)
03/23/1999	27	STIPULATED DISCOVERY PLAND AND SCHEDULING ORDER setting initial disclosures to be completed by 3/15/99; expert discovery to be completed by 10/8/99 which may be extended provided they do not extend beyond the settlement conference set for 10/13/99 at 10:00 and further provided that the parties promptly notify the Court of the modification; pleadings may be amended and new parties joined as of right until 4/30/99; dispositive motions to be filed by 11/12/99. ** refer to document for further deadlines ** Signed by Magistrate Roanne L. Mann on 3/5/99. (c/f by chambers on 3/8/99) (Asreen, Wendy) (Entered: 03/23/1999)
03/23/1999	28	ANSWER by Keen Tools Corp., American Auto Access to [0-1] counter claim. (Permaul, Jenny) (Entered: 03/25/1999)
03/26/1999	29	Plaintiffs' Notice of Serving Amended First Set of Interrogatories to defendant, Winner International, L.L.C. (Permaul, Jenny) (Entered: 03/31/1999)
04/29/1999	30	NOTICE of filing Amended Pleadings in accordance with scheduling order by Keen Tools Corp.and American Auto Access. (Permaul, Jenny) (Entered: 05/05/1999)
04/29/1999	31	SECOND AMENDED COMPLAINT by Keen Tools Corp., American Auto Access. Answer due 5/9/99 for Winner International. Amending [10-1] amended complaint. (Permaul, Jenny) (Entered: 05/05/1999)
06/29/1999	32	MEMORANDUM by Defendants in opposition to stay of proceedings. (Permaul, Jenny) (Entered: 06/29/1999)
06/29/1999	33	DECLARATION of Adam D. Cole, Esq. on behalf of the defts. requesting plaintiffs motion to stay. (Permaul, Jenny) (Entered: 06/29/1999)
08/11/1999	34	NOTICE of Absence from Jurisdiction filed by Steven I. Peretz, Esq., counsel for the Plaintiffs. Counsel will be absent from jurisdiction from 10/1/99 -10/15/99. (Permaul, Jenny) (Entered: 08/18/1999)
09/10/1999	35	ORDER directing as follows; the parties' request for a 120 day extension of the discovery and other deadlines set forth in the 3/99 discovery plan and scheduling order is granted. Thus Fact discovery shall be completed by 12/28/99; expert discovery sall be completed by 2/5/00. The settlement conference is adjourned to 2/8/00 at 2:00. In view of the lenght of the extension, no further adjournments will be granted. Signed by Magistrate-Judge Roanne L. Mann , on 9/7/99. See letter dated 9/3/99 from Adam D. Cole, Esq. to Mag. Mann. (Permaul, Jenny) (Entered: 09/10/1999)
11/02/1999	36	LETTER sent to docketing dated 10/27/99 from Adam D. Cole, Esq. to Judge Gershon requesting that the Court order a date certain for replacement counsel for the pltf. to be appointed. (Permaul, Jenny) (Entered: 11/02/1999)
12/16/1999	37	LETTER sent to docketing dated 10/26/99 from Stephen M. Gaffigan, Esq. to Judge Gershon requesting permission to withdraw as counsel for the plaintiffs. (Permaul, Jenny) (Entered: 12/16/1999)
01/18/2000	38	LETTER sent to docketing dated 1/7/00 from Adam D. Cole, Esq. to Judges Gershon and Mann written on behalf of Winner International to request a pre-motion conference. (Permaul, Jenny) (Entered: 01/18/2000)

01/24/2000	39	ORDER: The Court has learned that a pre-motion conference is scheduled before Judge Gershon for 2/8/00. In View of this development. and the fact that discovery reportedly has not been completed, the 2/8/00 settlement conference is adjourned sine die. The parties are directe to submit a status report to Mag. Mann's chambers by 2/16/00. Signed by Magistrate Roanne L. Mann , on 1/19/00. (See letter dated 1/7/00 from Adam D. Cole, Esq. to Judge Gershon and Mag. Mann. (Permaul, Jenny) (Entered: 01/24/2000)
02/08/2000	40	Calendar entry:Before Judge Gershon Civil Cause for pre motion conf. Bienstock & Clark will be substituted as counsel for plttf. Keen Tools, which has not yet appointed new counsel to replace Stephen Gaffigan, must appear by sub, counsel within 20 days. If it does not appear by sub, counsel, its claims will be dismissed and it will be subject to default on deft's counterclaims. During the next 20 days, Mr Gaffigan is directed to remain in the case for the sole purpose of transmitting copies of any court orders to Keen Tools. Mr Gaffigan is also directed to transmit a copy of the transcript of this conf. to American Auto, Keen Tools and Mag Mann. Deft's motion to dismiss on the ground that plttf's have failed to comply with discovery is referred to Mag Mann. (Jackson, Ramona) (Entered: 02/10/2000)
02/14/2000	41	STIPULATION and ORDER, substituting attorney; terminated attorney George R. Hinckley for American Auto Access. Added attorney Michael C. Cesarano . Signed by Judge Nina Gershon , on 2/8/00. (Permaul, Jenny) (Entered: 02/14/2000)
02/17/2000	42	LETTER sent to docketing dated 2/9/00 from George R. Hinckley, Jr. Esq. to Judge Gershon enclosing a stipulation for substitution of counsel to be so ordered by the Court. (Stip attached unsigned by Judge Gershon) (Permaul, Jenny) (Entered: 02/17/2000)
03/03/2000	43	ORDER: The parties shall on pain of sanctions submit a status report to chambers by 3/3/00. Signed by Magistrate Roanne L. Mann , on 2/24/00. (Permaul, Jenny) (Entered: 03/03/2000)
03/03/2000	44	NOTICE of attorney appearance for Keen Tools Corp. by Mark J. Abate. (Permaul, Jenny) (Entered: 03/03/2000)
03/21/2000	45	LETTER dated 2/28/00 from Stephen Gaffigan, Esq., to Magistrate Mann, stating that his firm now represents Keen Tools Corp. and were relieved as counsel for American Auto Access. before Judge Gershon on 2/8/00. (Asreen, Wendy) (Entered: 03/21/2000)
03/21/2000	46	LETTER dated 3/2/00 from Adam Cole, counsel for Winner International LLC, to Magistrate Mann, stating that since now counsel has be replaced for plaintiffs, discovery will now proceed and is requesting a discovery cut off date be set for 5/1/00. (Asreen, Wendy) (Entered: 03/21/2000)
03/21/2000	47	LETTER dated 3/2/00 from Michael Cesarano, new counsel for American Auto Access., to Magistrate Mann, requesting to have the discovery cut off date extended until 6/1/00. (Asreen, Wendy) (Entered: 03/21/2000)
03/21/2000	48	LETTER dated 3/3/00 from Mark Abate, counsel for Keen Tools Corp., to Magistrate Mann, forwarding a proposed revised discovery plan and scheduling order. (Asreen, Wendy) Modified on 03/21/2000 (Entered: 03/21/2000)
03/21/2000	49	LETTER dated 3/8/00 from Adam Cole, counsel for Winner International, to Magistrate Mann, in opposition to Kenn Tools' request for a six month extension of the discovery schedule. (Asreen, Wendy) (Entered: 03/21/2000)
03/21/2000	50	LETTER dated 3/3/00 from George Hinckley, local counsel for American Auto

		Access., to Magistrate Mann, forwarding a letter from principal counsel, Michael Cesarano whose pro hac vice motin will be filed shortly. (Asreen, Wendy) (Entered: 03/21/2000)
03/21/2000	51	ORDER that all fact discovery, including depositions, shall be completed by 5/15/00. Expert disclosures to be made by 6/2/00; experts whose testimony is intended to contradict or rebut expert testimony shall be made by 6/20/00; trial to be held in November 2000, either before Judge Gershon or before a visiting Judge. Schedule for briefing of motions to be set by trial judge, unless otherwise directed. Updated status report due 4/21/00. Signed by Magistrate Roanne L. Mann on 3/17/00. {c/f on 3/17/00} (Asreen, Wendy) (Entered: 03/21/2000)
03/23/2000	52	NOTICE: The Hon. Avern Cohn, U.S.D.J., will be sitting by designation from 4/3/00 until 4/14/00. This case has been referred to Judge Cohn for trial or disposition. A status conference will be held on 4/4/00 at 4:00. (Permaul, Jenny) (Entered: 03/23/2000)
03/23/2000	53	CALENDAR NOTICE: This matter is set for a Status Conf. before Judge Avern Cohn on 4/4/00 at 4:00 in room 546. (Permaul, Jenny) (Entered: 03/23/2000)
03/24/2000	54	LETTER sent to docketing (undated) from Chambers of Judge Gershon to counsel for the parties advising that this case has been referred to Visiting Judge Avern Cohn for trial durring November of this year. Judge Cohn's chambers will contact the parties in order to set a more detailed schedule. (Permaul, Jenny) (Entered: 03/24/2000)
03/29/2000	55	LETTER dated 3/28/00 from Mark J. Abate, Esq. to Mag. Mann requesting assistance in resolving a discovery dispute. (Permaul, Jenny) (Entered: 03/29/2000)
04/04/2000	56	Calendar entry: Case called on 4/4/00 for Status Conf. before Judge Avern Cohn. Counsel for all sides present. Conf. held. RULINGS: Parties are advised to file various papers with the Court. Infringement case to be tried first. The Court will send packages to all counsel containing the Court's procedures for patent cases and the Court's decision on his last two cases. Parties advised to write to the Court in Eastern District of Michigan for Judge Cohn. (Permaul, Jenny) (Entered: 04/06/2000)
04/14/2000	57	LETTER sent to docketing dated 3/31/00 from Adam D. Cole, Esq. to Mag. Mann written on behalf of deft. Winner International in response to the letter submitted by pltf.'s counsel dated 3/28/00. (Permaul, Jenny) (Entered: 04/14/2000)
05/01/2000	58	ORDER setting forth the issues to be addressed at the trial of this matter. A separte pre- trial order setting forth the following dates is attached; Discovery shall be completed by 5/30/00; Pre Trial Order: Pltf: 9/25/00; Deft: 10/16/00; Joint: 10/30/00; Pre-Trial Conference scheduled for 11/6/00 at 9:00. Trial shal commence on 11/7/00 at 9:00. Signed by Visiting Judge VJ Avern Cohn , on 4/28/00. (Permaul, Jenny) Modified on 05/01/2000 (Entered: 05/01/2000)
05/09/2000	59	ORDER (unsigned copy) of Visiting Judge directing as follows; The time for completing fact discovery is extended to 7/14/00; Open expert reports are due 8/1/00; rebuttal expert reports are due on 8/15/00; expert depositions are to be completed by 8/30/00. The Deft.'s Markman hearing shall be made on 9/15/00. The 11/7/00 trial and related discovery are limited to the issues of infringement, res judicata and equitable estoppel. (Permaul, Jenny) (Entered: 05/15/2000)
05/09/2000	60	NOTICE of Joint Motion to Extend Discovery. (Permaul, Jenny) (Entered: 05/15/2000)

05/15/2000	61	ORDER; signed by Visiting Judge Avern Cohn on 5/12/00; directing as follows; The time for completing fact discovery is extended to 7/14/00; Open expert reports are due 8/1/00; rebuttal expert reports are due on 8/15/00; expert depositions are to be completed by 8/30/00. The Deft.'s Markman hearing shall be completed by 8/30/00. The Deft.'s Markman hearing shall be made on 9/15/00. The 11/7/00 trial and related discovery are limited to the issues of infringement, res judicata and equitable estoppel. (Permaul, Jenny) (Entered: 05/16/2000)
05/17/2000	62	LETTER dated 5/17/00 from Mark J. Abate, Esq. to Judge Avern Cohn requesting the Court's assistance in resolving several discovery disputes concerning Winner International's responses to Keen' interrogatories. (Permaul, Jenny) (Entered: 05/18/2000)
06/09/2000	63	NOTICE of Change of Address by George R. Hinckley, Jr. attorney American Auto Access. New address: Traiger & Hinkley LLP 880 Third Avenue, NY, NY 10022-4730. (212)759-4933; Fax: (212) 656-1531. (Permaul, Jenny) (Entered: 06/13/2000)
06/09/2000	64	MOTION as to Keen Tools Corp. for Mark J. Abate to withdraw as attorney for Keen Tools Corp. Motion file stamped: 6/9/00 and mailed/served: 6/9/00. (Permaul, Jenny) (Entered: 06/16/2000)
06/13/2000	65	OBJECTIONS AND RESPONSES by Kluger, Peretz, Kaplan & Berlin, P.A's to subpoena duced tecum of Winner International. (Permaul, Jenny) (Entered: 06/16/2000)
07/05/2000	66	ORDER granting Mark J. Abate and Morgan & Finnegan's [64-1] motion for Mark J. Abate to withdraw as attorney for Keen Tools Corp. (Terminated attorney Mark J. Abate for Keen Tools Corp.) Keen has 20 days from the date of this Order to have an appearance entered by as newly retained counsel Keen has 30 days from the date of this Order to make its witnesses available for their depositions. Signed by Visiting Judge VJ Avern Cohn , on 6/28/00. (Permaul, Jenny) (Entered: 07/05/2000)
07/06/2000	67	LETTER dated 7/6/00 from Mark J. Abate, Esq. to Clerk of the Court enclosing a copy of the Court's 6/28/00 Order with Certificate of Service on Keen Tools Corp. (Encls. attached to this doc) (Permaul, Jenny) (Entered: 07/13/2000)
08/04/2000	68	MOTION by Winner International for default and contempt judgment and against Keen Tools Corp. . Motion file stamped: 8/15/00 and mailed/served: 8/4/00. (Permaul, Jenny) (Entered: 08/25/2000)
08/28/2000	69	NOTICE of change of address as counsel for American Auto Accessories: Michael C. Cesarano, Adam D.Cole, Esq., Camhy Karlinsky & Stein LLP, 1740 Broadway, 16th New York, N.Y. 10019-4315. (Drayton, Lorraine) (Entered: 08/28/2000)
08/31/2000	70	ORDER, INJUNCTION and JUDGMENT: A default Judgment in entered against pltf. and counter-deft. Keen Tools Corp. on the motion of dft. and counter pltf. Winner International Corp; and: A. The Second Amended Complaint is dismissed as to Keen only; B. Keen is adjudged to have infringed on U.S. Patent Nos. 4,935,047('047 patent) and 5,865,044(044 pantent). See this document for injunctions and enjoiments against Keen. Signed by VJ, Avern Cohn , on 8/29/00. c/m by chambers. (Permaul, Jenny) (Entered: 09/05/2000)
10/31/2000		CASE NO LONGER REFERRED TO Magistrate Roanne L. Mann (Polanco, Marcie) (Entered: 11/01/2000)
11/14/2001	71	ORDER, dismissing case for lack of progress. C/M by chambers. (signed by VJ, Avern Cohn , on 11/7/01) (Chee, Alvin) (Entered: 11/14/2001)

11/14/2001	Case closed as per document #71. (Chee, Alvin) (Entered: 11/14/2001)
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01/14/2004 10:54:32			
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Billable Pages:	7	Cost:	0.49

Exhibit B

Docket as of April 19, 2003 2:02 am

Web PACER (v2.4)

U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 99-CV-552
Keen Tools v. Winner International, et al

Filed: 02/23/99
Assigned to: Judge K. Michael Moore
Jury demand: Defendant
Demand: \$0,000
Nature of Suit: 830
Lead Docket: None
Jurisdiction: Federal Question
Dkt# in other court: None
Cause: 35:0145 Patent Infringement

KEEN TOOLS CORPORATION, a
Taiwanese corporation
plaintiff

Steven Ira Peretz
FTS 379-3428
[COR LD NTC]
Stephen Michael Gaffigan
Below Address Terminated on 11/17/00
FTS 379-3428
[COR LD NTC]
Kluger Peretz Kaplan & Berlin
Miami Center
201 S Biscayne Boulevard
Suite 1700
Miami, FL 33131-8424
305-379-9000












v.
WINNER INTERNATIONAL, INC., a
Pennsylvania Trust
defendant














Robert V. Vickers
[COR LD NTC]
Body, Vickers & Daniels
2000 Terminal Tower
Cleveland, OH 44113
216-623-0040
Kenneth A. Lapatine
FTS 977-8389
[COR LD NTC]
Adam D. Cole
Below Address Terminated on 3/22/01
FTS 977-8389
[COR LD NTC]
Camhy Karlinsky & Stein
1740 Broadway
16th Floor
New York, NY 10019-4315
212-977-6600
Craig P Kalil


	FTS 373-7929
	[COR LD NTC]
	Silvia Maria Garrigo
	[term 10/05/00]
	FTS 373-7929
	[COR LD NTC]
	Aballi Milne Kalil & Escagedo
	SunBank International Center
	1 SE 3rd Avenue
	Suite 2250
	Miami, FL 33131
	305-373-6600
	Philip J. Moy, Jr.
	[COR LD NTC]
	Fay Sharpe Beall Fagan Minnich
	& McKee
	1100 Supeior Avenue
	7th Floor
	Cleveland, OH 44114-2518
	216-861-5582
WINNER INTERNATIONAL ROYALTY	Craig P Kalil
CORPORATION	(See above)
defendant	[COR LD NTC]
	Silvia Maria Garrigo
	(See above)
	[COR LD NTC]
	Philip J. Moy, Jr.
	(See above)
	[COR LD NTC]
WINNER INTERNATIONAL, INC.	Silvia Maria Garrigo
counter-claimant	FTS 373-7929
	[COR LD NTC]
	Aballi Milne Kalil & Escagedo
	SunBank International Center
	1 SE 3rd Avenue
	Suite 2250
	Miami, FL 33131
	305-373-6600
WINNER INTERNATIONAL ROYALTY	Silvia Maria Garrigo
CORPORATION	(See above)
counter-claimant	[COR LD NTC]
KEEN TOOLS CORPORATION	Steven Ira Peretz
counter-defendant	[term 10/05/00]
	FTS 379-3428
	[COR LD NTC]
	Stephen Michael Gaffigan
	[term 10/05/00]
	Below Address Terminated on 11/17/00
	FTS 379-3428
	[COR LD NTC]
	Kluger Peretz Kaplan & Berlin
	Miami Center
	201 S Biscayne Boulevard
	Suite 1700
	Miami, FL 33131-8424
	305-379-9000


DOCKET PROCEEDINGS


Position the cursor on the Img Icon to view the Image Display Cost.


DATE	#	Img	DOCKET ENTRY
2/23/99	1		COMPLAINT (patent infringement) filed; A-4; TEB; FILING FEE \$150.00; RECEIPT # 705525 (cp) [Entry date 02/24/99]
2/23/99	--		Magistrate identification: Magistrate Judge Ted E. Bandstra (cp) [Entry date 02/24/99]
2/23/99	2		MOTION with memorandum in support by Keen Tools for preliminary injunction (cp) [Entry date 02/24/99]
2/23/99	3		SUMMONS(ES) issued for Winner International, Winner Royalty (cp) [Entry date 02/24/99]
2/24/99	--		FORM AO 120 sent to: Commissioner of Patents and Trademarks (cp)
3/5/99	4		RETURN OF SERVICE executed for Winner Royalty on 2/24/99 Answer due on 3/16/99 for Winner International (lk) [Entry date 03/09/99]
3/18/99	5		MOTION by Winner International, Winner Royalty to extend time to respond to the complaint (lk) [Entry date 03/23/99]
3/20/99	7		RETURN OF SERVICE executed for Winner International on 2/24/99 Answer due on 3/16/99 for Winner International (lk) [Entry date 03/31/99]
3/23/99	6		ORDER granting [5-1] motion to extend time to respond to the complaint (signed by Judge K. M. Moore on 3/23/99) CCAP (lk) [Entry date 03/25/99]
4/16/99	8		ANSWER to Complaint and COUNTERCLAIM by Winner International, Winner Royalty against Keen Tools (ra) [Entry date 04/21/99]
4/16/99	9		Statement of material facts in support of cross-motion for partial summary judgment by Winner International, Winner Royalty (ra) [Entry date 04/21/99]
4/16/99	10		APPLICATION by Winner International, Winner Royalty for Kenneth A. Lapatine and Adam D. Cole to appear pro hac vice (ra) [Entry date 04/21/99]
4/16/99	--		Filing Fee Paid; FILING FEE \$ 150.00 RECEIPT # 800846 (ra) [Entry date 04/21/99]
4/16/99	11		MEMORANDUM by Winner International, Winner Royalty in support of cross-motion for partial summary judgment (cross-motion not on docket yet) (ra) [Entry date 04/21/99]


- 4/16/99 11  OPPOSITION by Winner International, Winner Royalty to [2-1] motion for preliminary injunction (ra) [Entry date 04/21/99]
- 4/20/99 12  ORDER setting Scheduling meeting report due for 5/20/99 (signed by Judge K. M. Moore on 4/20/99) CCAP (lk) [Entry date 04/26/99]
- 4/27/99 14 ANSWER and affirmative defenses by Keen Tools to [8-2] counterclaims of defendants (lk) [Entry date 04/30/99]
- 4/30/99 15  MOTION by Keen Tools to extend time to respond to defendant's memorandum of law (lk)
- 5/3/99 16  ORDER granting [15-1] motion to extend time to respond to defendant's memorandum of law (signed by Judge K. M. Moore on 5/3/99) CCAP (ra) [Entry date 05/05/99]
- 5/4/99 17  ORDER setting Scheduling meeting report due for 6/8/99 (signed by Judge K. M. Moore on 5/4/99) CCAP (lk) [Entry date 05/07/99]
- 5/10/99 18  ORDER granting [10-1] motion for Kenneth A. Lapatine and Adam D. Cole to appear pro hac vice (signed by Judge K. M. Moore on 5/11/99) CCAP (lk) [Entry date 05/11/99]
- 5/10/99 19  COMBINED MEMORANDUM by Keen Tools in opposition to opposition to defendants' motion for partial summary judgment (ra) [Entry date 05/12/99]
- 5/10/99 19  REPLY MEMORANDUM by Keen Tools to defendants' memorandum in opposition to [2-1] motion for preliminary injunction (ra) [Entry date 05/12/99]
- 5/10/99 20  Statement of material facts in dispute which preclude partial summary judgment in favor of winner by Keen Tools (ra) [Entry date 05/12/99]
- 5/10/99 21  RESPONSE by Keen Tools in opposition to [9-1] Statement of material facts (ra) [Entry date 05/12/99]
- 5/24/99 22  SUPPLEMENTAL DECLARATION of Adam D. Cole in support of Winner's motion for partial summary judgment and in opposition to Keen's motion for preliminary injunction by Winner International, Winner Royalty (ra) [Entry date 05/28/99]
- 5/24/99 23  REPLY MEMORANDUM OF LAW by Winner International, Winner Royalty in further support of Winner's motion for partial summary judgment (motion not on docket) (ra) [Entry date 05/28/99]
- 5/24/99 23  MEMORANDUM by Winner International, Winner Royalty in opposition to [2-1] motion for preliminary injunction (ra) [Entry date 05/28/99]


6/1/99 24  NOTICE of absence from jurisdiction by Winner International (lk) [Entry date 06/07/99]


6/21/99 25  JOINT Scheduling Report of Scheduling Meeting by Keen Tools 6/8/99 (lk) [Entry date 06/23/99]


6/24/99 26  ORDER setting Jury trial for 9:00 4/10/00, setting calendar call for 2:00 4/6/00, setting pretrial conference for 9:00 3/27/00 (Signed by Judge K. M. Moore on 6.24.99) CCAP [EOD Date: 6/28/99] (lk) [Entry date 06/28/99]


6/24/99 27  ORDER REFERRING DISCOVERY MATTERS to Magistrate Judge John J.O'Sullivan (Signed by Judge K. M. Moore on 6.24.99) CCAP (lk) [Entry date 06/28/99]

6/24/99 28  ORDER referring case to mediation. 15 days to appoint mediator (Signed by Judge K. M. Moore on 6.24.99) CCAP [EOD Date: 6/28/99] (lk) [Entry date 06/28/99]


7/1/99 29  ORDER directing the defendant Winner to respond within ten (10) days with a memorandum to support its request for stay. (Signed by Judge K. M. Moore on 6/30/99) CCAP [EOD Date: 7/7/99] (lk) [Entry date 07/07/99]


7/16/99 30  MEMORANDUM by Winner International, Winner Royalty in support of request for stay (motion not on docket) (ra) [Entry date 07/21/99]


8/6/99 31  MOTION by Keen Tools to extend time to file memorandum in opposition to memorandum in support of request for stay (dg) [Entry date 08/13/99]


8/6/99 32  ORDER that this case is closed for statistical purposes (Signed by Judge K. M. Moore on 8/6/99) CCAP [EOD Date: 8/13/99] (dg) [Entry date 08/13/99]













8/6/99 -- CASE CLOSED. Case and Motions no longer referred to Magistrate. (dg) [Entry date 08/13/99]













8/10/99 33  NOTICE of absence from jurisdiction by Keen Tools (dg) [Entry date 08/13/99]









8/10/99 34  MEMORANDUM by Keen Tools in opposition to [30-1] support memorandum (dg) [Entry date 08/13/99]

8/12/99 35  ORDER granting [31-1] motion to extend time to file memorandum in opposition to memorandum in support of request for stay (Signed by Judge K. M. Moore on 8.12.99) CCAP [EOD Date: 8/16/99] (lk) [Entry date 08/16/99]

8/17/99 36  REPLY MEMORANDUM by Winner International in support of request for stay (lk) [Entry date 08/19/99]

- 9/5/00 37  MOTION by Keen Tools for Stephen M. Gaffigan to withdraw as attorney (lk) [Entry date 09/06/00]
- 10/5/00 38  CONDITIONAL ORDER OF WITHDRAWAL granting [37-1] motion for Stephen M. Gaffigan to withdraw as attorney (Terminated: attorney Steven Ira for Keen Tools, attorney Stephen Michael Gaffigan for Keen Tools, attorney Silvia Maria Garrigo for Winner International, attorney Steven Ira Peretz for Keen Tools (Signed by Judge K. M. Moore on 10/5/00) CCAP [EOD Date: 10/6/00] (lk) [Entry date 10/06/00]
- 9/25/02 39  MOTION by Winner International, Winner Royalty to reopen case (sk) [Entry date 09/26/02]
- 9/25/02 40  MEMORANDUM by Winner International, Winner Royalty in support of [39-1] motion to reopen case (sk) [Entry date 09/26/02]
- 9/25/02 41  MOTION by Winner International, Winner Royalty to dismiss Count II of the complaint, and to withdraw [8-2] COUNTERCLAIMS by Winner International, Winner Royalty against Keen Tools (sk) [Entry date 09/26/02]
- 9/25/02 42  MEMORANDUM by Winner International, Winner Royalty in support of [41-1] motion to dismiss Count II of the complaint, [41-2] motion to withdraw [8-2] COUNTERCLAIMS by Winner International, Winner Royalty against Keen Tools (sk) [Entry date 09/26/02]
- 9/25/02 43  RENEWED MOTION by Winner International, Winner Royalty for partial summary judgment of non-infringement of the '621 Patent (sk) [Entry date 09/26/02]
- 9/25/02 44  MEMORANDUM by Winner International, Winner Royalty in support of [43-1] motion for partial summary judgment of non-infringement of the '621 Patent (sk) [Entry date 09/26/02]
- 9/25/02 45  SUPPLEMENTAL Statement of material facts by Winner International, Winner Royalty re: [43-1] renewed motion for partial summary judgment of non-infringement of the '621 Patent (sk) [Entry date 09/26/02]
- 9/25/02 46  KEVIN WINNER AFFIDAVIT by Winner International, Winner Royalty Re: [43-1] motion for partial summary judgment of non-infringement of the '621 Patent (sk) [Entry date 09/26/02]
- 9/25/02 47  PHILIP MOY JR. AFFIDAVIT by Winner International, Winner Royalty Re: [43-1] motion for partial summary judgment of non-infringement of the '621 Patent (sk) [Entry date 09/26/02]
- 9/25/02 48  GARY CLIFFORD AFFIDAVIT by Winner International, Winner Royalty Re: [43-1] motion for partial summary judgment of non-infringement of the '621 Patent (sk) [Entry date 09/26/02]

- 10/3/02 49  MOTION by Keen Tools to extend time to 10/14/02 to respond to RENEWED MOTION by Winner International, Winner Royalty for partial summary judgment; motion to dismiss Count II of the complaint; and motion to reopen case; filed on 9/25/02 (sk) [Entry date 10/04/02]
- 10/4/02 50  MOTION to intervene by Lawman Armor (sk)
- 10/4/02 50  OPPOSITION/RESPONSE by Lawman Armor to [39-1] motion to reopen case (sk)
- 10/4/02 51  MEMORANDUM by Lawman Armor in support of [50-1] motion to intervene by Lawman Armor, [50-1] OPPOSITION/RESPONSE by Lawman Armor to [39-1] motion to reopen case (sk)
- 10/7/02 52  Notice of CONSENT/RESPONSE by Winner International, Winner Royalty to [50-1] motion to intervene by Lawman Armor only as to intervention (sk) [Entry date 10/08/02]
- 10/7/02 52  MOTION by Winner International, Winner Royalty for clarification of briefing schedule (sk) [Entry date 10/08/02]
- 10/9/02 53  MOTION by Lawman Armor for Robert Jacobs-Meadway, Lynn E. Rzonca, Corey Field to appear pro hac vice (sk) [Entry date 10/10/02]
- 10/9/02 -- Filing Fee Paid; FILING FEE \$ 225.00 RECEIPT # 870663 (sk) [Entry date 10/10/02]
- 10/10/02 54  ORDER granting [53-1] motion for Robert Jacobs-Meadway, Lynn E. Rzonca, Corey Field to appear pro hac vice (Signed by Judge K. M. Moore on 10/10/02) [EOD Date: 10/11/02] (sk) [Entry date 10/11/02]
- 10/15/02 55  UNOPPOSED MOTION by Keen Tools for Steven I. Peretz to withdraw as attorney (cj) [Entry date 10/16/02]
- 10/17/02 56  REPLY by Winner International, Winner Royalty to response to [39-1] motion to reopen case (cj) [Entry date 10/18/02]
- 10/22/02 57  MOTION by Winner International, Winner Royalty for Philip J. Moy, Jr., Robert V. Vickers, Jude A. Fry (nee Jude A. Tinkler) and Brian E. Turung, of Fay Sharpe, Fagan Minnich & McKee, LLP to appear pro hac vice (cj) [Entry date 10/23/02] [Edit date 10/25/02]
- 10/22/02 -- Fee Paid; FILING FEE \$ \$300 RECEIPT # 871313 (cj) [Entry date 10/23/02]
- 10/24/02 58  ORDER granting [57-1] motion for Philip J. Moy, Jr. to appear pro hac vice (Signed by Judge K. M. Moore on 10/24/02) Date: 10/25/02] (cj) [Entry date 10/25/02] [Edit date 10/25/02]

- 10/24/02 59  ORDER granting pro hac vice for Jude A. Fry [57-1] motion for Philip J. Moy, Jr., Robert V. Vickers, Jude A. Fry (nee Jude A. Tinkler) and Brian E. Turung, of Fay Sharpe, Fagan Minnich & McKee, LLP to appear pro hac vice (Signed by Judge K. M. Moore on 10/24/02) [EOD Date: 10/25/02] (cj) [Entry date 10/25/02]
- 10/24/02 60  ORDER granting pro hac vice for Brian E. Turung [57-1] motion for Philip J. Moy, Jr., Robert V. Vickers, Jude A. Fry (nee Jude A. Tinkler) and Brian E. Turung, of Fay Sharpe, Fagan Minnich & McKee, LLP to appear pro hac vice (Signed by Judge K. M. Moore on 10/24/02) [EOD Date: 10/25/02] (cj) [Entry date 10/25/02]
- 10/24/02 61  ORDER granting pro hac vice for Robert V. Vickers [57-1] motion for Philip J. Moy, Jr., Robert V. Vickers, Jude A. Fry (nee Jude A. Tinkler) and Brian E. Turung, of Fay Sharpe, Fagan Minnich & McKee, LLP to appear pro hac vice (Signed by Judge K. M. Moore on 10/24/02) [EOD Date: 10/25/02] (cj) [Entry date 10/25/02]
- 10/28/02 62  MOTION by Lawman Armor for permission to file surreply brief (cj) [Entry date 10/29/02]
- 10/28/02 63  RESPONSE by Lawman Armor in opposition to [39-1] motion to reopen case (cj) [Entry date 10/29/02]
- 10/29/02 64  ORDER granting [62-1] motion for permission to file surreply brief. (Signed by Judge K. M. Moore on 10/29/02) [EOD Date: 10/30/02] (lk) [Entry date 10/30/02]
- 11/8/02 65  NOTICE of filing the order entered in the case No. 02-cv-4595 District of Pennsylvania (attached) by Lawman Armor (cj) [Entry date 11/12/02]
- 4/11/03 66  ORDER denying [39-1] motion to reopen case, this case is closed (see order for details) (Signed by Judge K. M. Moore on 4/11/03) [EOD Date: 4/14/03] (cj) [Entry date 04/14/03]

Case Flags:

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END OF DOCKET: 1:99cv552

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Description:	docket report	Search Criteria:	1:99cv00552
Billable Pages:	9	Cost:	0.63

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Exhibit C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

KEEN TOOLS CORPORATION,
a Taiwanese corporation,

Plaintiff,

v.

WINNER INTERNATIONAL, INC.,
a Pennsylvania Trust; and WINNER
INTERNATIONAL ROYALTY
CORPORATION,

Defendants.

CASE NO. 99-552-CIV-MOORE
Magistrate Judge Banda
00 SEP -5 PM 4:07
S.D. OF FLA.
S.D. OF FLA. - HIA

MOTION TO WITHDRAW AS COUNSEL

COMES NOW, Kluger, Peretz, Kaplan & Berlin, P.A., and moves this Court for an Order authorizing this law firm to withdraw as counsel for Plaintiff, Keen Tools Corporation in this cause and, as grounds therefore, would state:

1. That irreconcilable differences have arisen between said Plaintiff and this law firm, making it impossible for said counsel to represent said Plaintiff.
2. That Plaintiff, Keen Tools Corporation has discontinued communication with this firm.
3. It is further requested that the Court grant said Plaintiff thirty (30) days within which to obtain new counsel.

WHEREFORE, Kluger, Peretz, Kaplan & Berlin, P.A. respectfully requests this Court to enter an Order authorizing it to withdraw as counsel for said Plaintiff Keen Tools Corporation and granting said Plaintiff thirty (30) days within which to obtain new counsel.

NON-COMPLIANCE OF S.D. Da. L.R. 7.1(A)

37
TK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed and faxed this 1st day of September, 2000 to Silvia M. Garrigo, Esq., ABALLI, MILNE, KALIL & GARRIGO, P.A., 1980 SunTrust International Center, One Southeast Third Avenue, Miami, Florida 33131; and Adam D. Cole, Esq., CAMHY KARLINSKY & STEIN, LLP, 1740 Broadway, 16th Floor, New York, NY 10019-4315.

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